

REMARKS

Applicant respectfully request reconsideration of this application. Claims 1-33 are pending. Claims 14-17, 19-20, 25 and 27-31 are withdrawn.

In response to the Office Communication mailed May 14, 2008, Applicant respectfully request reconsideration of the requirement for election of species, and will repeat the provisional election made on September 15, 2008 below.

Provisional Election

Applicant indicates a provisional election of a single species from each column (A-D) for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable and corresponding claims to be examined for the referenced application in the event the requirement becomes final:

From column A: Applicant provisionally elects species A₃ corresponding to Figure 10. Applicant provisionally elects Claims 21-22 and 32-33 to be examined for species A₃ in the event the requirement becomes final.

Applicant also respectfully submits that the Examiner is in error for stating that no claims are generic, because the optical signaling system as claimed in Claims 23 and 32, as well as the optical transmitter as claimed in Claim 9 and the optical receiver as claimed in Claims 18 and 21 are generic with regard to column A.

From column B: Applicant provisionally elects species B₄ corresponding to Figure 6b. Applicant provisionally elects Claims 12 and 26 to be examined for species B₄ in the event the requirement becomes final.

From column C: Applicant provisionally elects species C₂ corresponding to Figure 4b. Applicant provisionally elects Claims 10-13 and 24 to be examined for species C₂ in the event the requirement becomes final.

Applicant also respectfully submits that the Examiner is in error for stating that no claims are generic, because the optical signaling system as claimed in Claim 24, as well as the optical transmitter as claimed in Claim 10 are generic with regard to column C.

From column D: Applicant provisionally elects species D₁ corresponding to Figure 10. Applicant provisionally elects Claims 1-8 to be examined for species D₁ in the event the requirement becomes final.

CONCLUSION

Applicants respectfully submit the present claims for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call Lawrence M. Mennemeier at (408) 765-2194.

Authorization is hereby given to charge our Deposit Account No. 50-0221 for any charges that may be due.

Respectfully submitted,

Date: March 19, 2009

/Lawrence M. Mennemeier/

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